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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|------------------------|---------------------|------------------|
| 10/616,770  | 07/10/2003  | Robert V. Nonneman     | 018360-261264       | 1969             |
| 826 7590 12/09/2010<br>ALSTON & BIRD LLP<br>BANK OF AMERICA PLAZA<br>101 SOUTH TRYON STREET, SUITE 4000<br>CHARLOTTE, NC 28280-4000 |             |                        |                     |                  |
| EXAMINER<br>ZARE, SCOTT A   |             |                        |                     |                  |
| ART UNIT<br>3687  |             | PAPER NUMBER           |                     |                  |
| MAIL DATE<br>12/09/2010   |             | DELIVERY MODE<br>PAPER |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action**  
**Before the Filing of an Appeal Brief**

**Application No.**

10/616,770

**Applicant(s)**

NONNEMAN ET AL.

**Examiner**

SCOTT A. ZARE

**Art Unit**

3687

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 29 November 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Vanel Frenel/  
Primary Examiner, Art Unit 3687

Continuation of 11, does NOT place the application in condition for allowance because:  
Applicant's arguments filed 11/29/2010 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 103

The rejections under 35 USC §103 have been traversed. Applicant argues that the combination of Westbury, Savino, Swan, and Boucher lacks certain elements of Applicant's claimed system. Specifically, in regard to claim 33 as amended, Applicant argues that combination of Westbury, Savino, Swan, and Boucher does not disclose the following presently amended elements:

(A) a sender computer system comprising a processor configured to transmit object identification data identifying one or more objects, the objects defined by a sender to identify one or more products or other contents of at least one package; and

(B) a carrier computer system comprising a processor configured to provide data, to at least one device or recipient, identifying the objects, a location of the objects and a status of the objects being transported in the at least one package as the objects pass through one or more portals and are scanned by scanning devices of the portals within a transport network of the carrier.

In regard to element (A) and (B), Applicant argues that Swan, alone or in combination with Westbury, Savino, Swan, and Boucher, fails to disclose the above-cited features. See Remarks/Arguments, received 11/29/2010, pg. 2, 4th paragraph. However, in attempting to distinguish the claimed invention from the prior art, Applicant only considers Swan alone and fails to consider all references in combination, and from this analysis, concludes the cited prior art in combination fails to teach each and every element of the above-referenced limitations.

The Examiner seeks to clarify that, in regard to the above-references limitations, that Westbury was relied upon as a primary reference to teach a sender computer system comprising a processor configured to transmit object identification data identifying one or more objects, the objects defined by a sender to identify one or more products or other contents of at least one package and a carrier computer system (i.e., tracking system) comprising a processor configured to provide data, to at least one device or recipient, wherein data is provided as the objects pass through one or more portals.

Furthermore, the Examiner, in the previous rejection, stated that Westbury does not disclose wherein the at least one portal has at least one scanner and furthermore, wherein the objects are scanned by scanning devices of the portals. Thus, the Examiner relies upon Swan to teach the use of such scanning devices. Specifically, the Examiner has previously stated that Swan discloses a carrier computer system comprising a processor configured to provide data identifying objects, a location of the objects and a status of the objects being transported in the at least one package as the objects pass through one or more portals and are scanned by scanning devices of the portal within a transport network of the carrier. In Swan, at column 1, under the heading "SUMMARY," Swan specifically discloses that "[t]ags bound to items are read and information read from the tags and location information about the tags is provided by at least two enterprises and used to maintain disposition information about the items, which is made visible to enterprises in the supply chain." Consequently, in view of the references in combination, the Examiner finds Applicant's arguments unpersuasive..